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### REMARKS

Claims 2 and 3 are presently pending in this application. Claims 2 and 3 have been amended to more particularly define the claimed invention.

It is noted that the amendments are made only to more particularly define the invention and not for distinguishing the invention over the prior art, for narrowing the scope of the claims, or for any reason related to a statutory requirement for patentability. It is further noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Applicant has amended claims 2 and 3 per the request of the Examiner.

Claims 2 and 3 stand rejected under 35 U.S.C. §103(a) as being obvious over Wong, U.S. Pat. No. 6,115,690, further in view of United States Code Title 35 - Patents.

This rejection is respectfully traversed in view of the following discussion.

#### **I. APPLICANT'S CLAIMED INVENTION**

The claimed invention (as defined, for example, by independent claim 2) is directed to a network transacting method using a data processing system in which a plurality of terminal units, each having at least a data inputting function, a data outputting function and a data communicating function, are connected to a communication network for interchanging data with each other, the network transacting method including, actuating a third-party trader's terminal unit to present data representative of a purchase offer for an intellectual property, actuating the trader's terminal unit to accept a sale offer for the intellectual property which is received from a seller via the communication network, purchasing, by the trader, of the

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intellectual property from the seller, filing, by the trader, of an application for a patent on the intellectual property in a patent office, actuating the trader's terminal unit to register information relating to the intellectual property such that data relating to the intellectual property can be browsed via the communication network, actuating the trader's terminal unit to present a sale offer for the intellectual property to a buyer, actuating the trader's terminal unit to accept a purchase offer for the intellectual property which is received from the buyer via the communication network, selling, by the trader, of the intellectual property to the buyer, and submitting a record of the transfer of ownership of the intellectual property from the seller to the buyer at the patent office.

Conventionally, it is a common practice for a broker to present a purchase offer on a homepage, purchase articles from a seller who browse the homepage, register information related to the articles on the homepage, and sell the articles to a buyer who also browsed the homepage. (Application at page 1, lines 16-20).

The claimed invention (e.g., as recited in claims 2 and 3), on the other hand, includes a network transacting method using a data processing system in which a plurality of terminal units...are connected to a communication network for interchanging data..., the network transacting method including, filing, by the trader, of an application for a patent on the intellectual property in a patent office, and submitting a record of the transfer of ownership of the intellectual property from the seller to the buyer at the patent office. These features of the invention are important for facilitating the sale and purchase of intellectual property between buyers and sellers through an intermediary a third-party broker. (Application at page 3, lines 7-11.)

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## II. THE ALLEGED PRIOR ART REJECTION

### 35 U.S.C. § 103(a) Rejection over Wong, U.S. Pat. No. 6,115,690 further in view of United States Code Title 35 - Patents

The Examiner alleges that Wong, U.S. Pat. No. 6,115,690, (Wong), would have been combined with United States Code Title 35 - Patents, (U.S.C. Title 35), to form the invention of claims 2 and 3.

The Examiner alleges that one of ordinary skill in the art would have been motivated to modify Wong with the teaching from U.S.C. Title 35 to form the invention of claims 2 and 3. Applicant submits, however that the Wong reference and U.S.C. Title 35 would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

Applicant respectfully submits that Wong would not have been combined with U.S.C. Title 35 as alleged by the Examiner. Indeed, these references are non-analogous because they are completely unrelated. (Wong is directed to a software system for business-to-business Web commerce. U.S.C. Title 35 is a compilation of laws directed to the U.S. Patent and Trademark Office, patentability of inventions and grant of patents, patents and protection of patent rights, and the Patent Cooperation Treaty.) No person of ordinary skill in the art would have considered combining these disparate references, absent impermissible hindsight.

In fact, Applicant submits that the Examiner can point to no motivation or suggestion in either reference to urge the combination as alleged by the Examiner.

Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have been so motivated to combine the references as alleged by the Examiner.

Applicant provides the following summary of Wong specifically identifying any and all entities involved in the web-based transaction system and the relationship between the

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entities during the business transaction that Wong describes. Applicant's invention claims the specific entities of, 1) a seller, 2) a buyer, and 3) a third-party trader that intermediates a transaction of intellectual/industrial property between the seller and the buyer.

Wong teaches:

- 1) A user initiates a process by entering information into a relational database.

Generally, at column 11, lines 30-36.

A first system user, or "information worker," having for example a Sales assignment or activity focus, initiates an automated, end-to-end business process by entering information into a client/server single relational database, which forms a common hub of the automated business process. (Emphasis added.) (Column 11, lines 32-36.)

- 2) The user's entry is qualified based on data validation. Generally, at column 11, line 36 to column 12, line 20.

In the present system, qualification of user inputs has multiple facets. First, each user is accorded limited access privileges. An authority check is therefore performed to ensure that the user is authorized to make the entry being attempted. Second, the entry is checked in accordance with business rules that embody best practice as determined from an analysis of expected parameters and how various values of those parameters affect possible outcomes downstream. Thirdly, entries, even after then are committed to the database, are subjected to intelligent consistency checks in order to detect discrepancies and provide feedback to allow for correction. If input qualification is successful, then succeeding events in the sequential business process are triggered. (Emphasis added.) (Column 11, line 61 to column 12, line 7.)

- 3) The user's entry is stored in a single integrated data accumulation database.

Generally, at column 12, line 21 to column 13, line 7.

As compared with the conventional business process of FIG. 1, the circular automated business process of FIG. 2 revolves around a single integrated database that accumulates information regarding every important activity of every user and defines a non-repetitive process. (Emphasis added.) (Column 12, lines 21-25.)

- 4) A Web User Interface is operated upon by a user to find products within the

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database, to find earlier quotes, and to obtain quotes. Generally, at column 13, lines 8-35.

From the products search screen display, the user is able to fill in various fields (e.g., Manufacturer, Manufacturer Part#, Item Description) to find products within the database. To view a manufacturers list, the user clicks on the first letter of the name of the manufacturer.

The user is also able to find earlier quotes. A user obtains a quote in a manner described below. Buttons are provided to find a quote by quote number, to find quotes for the current day, or to find quotes for the current week. (Emphasis added.) (Column 13, lines 12-21.)

5) The user then selects a product displayed on a product list. Generally, at column 13, lines 36-50.

When the user sees an item of interest displayed on the Product List, the user checks the item. (Emphasis added.) (Column 13, lines 36-37.)

6) A quote is created based on the user selecting a product and requesting a quote. Generally, at column 13, lines 51-64.

The user by choosing the appropriate action within the pop-up menu can create a quote for the specified items and quantities, can cancel and empty the "shopping basket," can go back to the Products List, or can go back to the Search for Products screen. When a quote is created, it is displayed as shown, for example, in FIGS. 7A-7C. (Emphasis added.) (Column 13, lines 46-51.)

7) The user is requested to confirm various details of the quote. Generally, at column 13, line 65 to column 14, line 15.

Within the following portion of the screen display, the user is requested to confirm various details of the quote or to disconfirm and provide clarification. (Emphasis added.) (Column 13, lines 65-67.)

8) A user input authorization number is required to complete the transaction. Generally, at column 14, lines 16-28.

In contrast to consumer-oriented Web commerce, in the present business-to-business Web commerce system, an authorization number is required. (Emphasis added.) (Column 13, lines 65-67.)

9) The user then selects possible actions with respect to the quote that has been

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requested. Generally, at column 14, lines 28-48.

Once all of the requested information has been provided, the user then chooses from among possible actions, including making changes to the quote, going back to the Products List, submitting the quote to the sale representative, close the quote without saving any changes that the user may have made, or save the quote without submitting it. (Emphasis added.) (Column 14, lines 29-34.)

10) A quote confirmation screen is displayed upon submission of a quote of the user. Generally, at column 14, lines 49-52.

When a quote has been submitted, a confirmation screen is displayed thanking the user for the order, displaying the quote number, and confirming that the quote has been submitted as an order. (Emphasis added.) (Column 14, lines 49-52.)

11) Returns and tracking are enabled by the system upon the submission of a quote from the user. Generally, at column 15, line 54 to column 17, line 59: The user may select:

Option 1, a Sales Order Status, beginning at column 16, line 32;

Option 2, a Return Product and Service Part Status, beginning at column 16, line 52;

Option 3, a Product Purchase History, beginning at column 17, line 21;

Option 4, a Return and Service History, beginning at column 17, line 31; and

Option 5, Accounting Information, beginning at column 17, line 33.

12) Wong states that *a user may be a customer*. Generally, at column 17, lines 40-48.

If the user is a customer, then customer invoice search options are displayed as shown, for example, in FIG. 39. FIG. 40 shows a display of customer invoice records resulting from a search, in this example a customer invoice that was partially paid and a credit memo the credit of which has not been fully taken. Further details regarding a record may be shown by checking the corresponding box and clicking the Take Action button. A display such as that of FIG. 41 then results. (Emphasis added.) (Column 17, lines 40-48.)

13) Wong states that *a user may be a vendor*. Generally, at column 17, lines 49-52.

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If the user is a vendor, then vendor invoice search options are displayed. Vendor invoice pages corresponding to the customer invoice pages previously described are shown in FIG. 42, FIG. 43 and FIG. 44, respectively. (Emphasis added.) (Column 17, lines 49-52.)

14) Web interface security is discussed generally at column 17, line 65 to column 19, line 11. For example, various end-users will be given different levels of authority, column 18, lines 24-29, or specific limits may be placed on a user's purchase authority, column 18, line 62-67.

15) Catalog management is discussed generally at column 19, line 10 to column 20, line 24. For example, one vendor is selected to serve as the baseline vendor, or a customer baseline is formed by combining customer approved product lists and historical purchase information.

On the vendor side, one vendor is selected to serve as the baseline vendor. The baseline vendor will typically be a vendor found to have the most comprehensive inventory, the most useful categorization scheme, etc., and may be varied as often as desired. (Emphasis added.) (Column 19, lines 25-29.)

On the customer side, a customer baseline is formed by combining: 1) customer APLs (Approved Product Lists) for all customers or some subset of customers; and 2) historical purchase information, taking into account such factors as purchase date, volume, etc. (Emphasis added.) (Column 19, lines 57-61.)

16) A database schema to which user data is subject to is discussed generally at column 20, line 25 to column 23, line 61.

An important feature of the present system is that a single database, described by a single database schema, is used to automate an overall business process, end-to-end. (Emphasis added.) (Column 20, line 26-28.)

17) A customer-driven Business Process overview is generally described at column 23, line 62 to column 24, line 64.

The business process is customer-driven. The first entry point E1 in the

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business process is Sales/RMAs. In response to a customer request, a user having responsibility for E1 enters information about the customer request into the database. If the request regards sales, the information is checked and converted to a Master Worksheet (MWS). At an entry point E2, the responsible user groups MWSs for purchasing and places orders. Information is assembled for later use in receiving (E3), installation (E4), and shipping (E5). Respective users at these entry points make entries into the database which as confirmed against the assembled Purchasing/Shipping/Receiving/Installation (PSRI) information to verify correctness. (Emphasis added.) (Column 24, lines 3-15.)

The effect of the overall business process is two-fold. First, a response to the customer's input is produced and communicated back to the customer. Second, during the course of the business transaction, a wealth of historical data are accumulated that may then be subjected to factual analysis for purposes of ensuring customer satisfaction, evaluating employee performance, and evaluating vendor performance. (Emphasis added.) (Column 24, lines 47-54.)

18) The Sales mechanism is generally described at column a 24, line 65 to column 26, line 6, where an order may be preceded by a quote and the system prompts the user at every opportunity data is entered into the database system.

As may be appreciated from the foregoing description, an order may be preceded by a quote. Quotes may be requested and orders may be placed in writing (e.g., by fax), verbally (e.g., by phone), or electronically via the Web. More generally, order information may be conveyed by electronic means (e.g., Internet, intranet, EDI, satellite, remote terminal direct-dial), human-mediated telecommunications (e.g., email, phone, fax), or by physical means (letter, visit, etc.). Regardless of the origin of the quote or order, the quote or order becomes a sales record. (Emphasis added.) (Column 24, line 66 to column 25, line 8.)

Referring to FIG. 61, the input layout of a quote is shown. During record input, the system prompts the user at every opportunity. For example, when the cursor is placed within the customer field, a list of previous customers is displayed. Assuming the customer is a repeat customer, the user can select the customer from the list. Various fields are then completed from information previously stored for that customer. (Emphasis added.) (Column 24, lines 19-26.)

19) Purchasing, Receiving, Installation, Shipping is generally described at column 26, line 7 to column 29, line 21.

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Instead, the purchasing module of the present system is designed for business scalability and maximum automation, allowing for dramatic growth without a dramatic increase in human effort and with little or no pain. Scalability is achieved by "commingling" customer orders in such a way that what appears to an outside vendor as a single large order is tracked within the system as a multitude of smaller orders. (Emphasis added.) (Column 26, lines 26-32.)

20) Return Merchandise Authorization is generally described at column 29, line 22 to column 31, line 51.

This feature, coupled with Web access, allows customer's to track replacement parts themselves without contacting a technician or service representative. A customer may request an RMA in any of the ways previously described for obtaining a quote or placing an order. When an RMA request is received, an RMA record is created. (Emphasis added.) (Column 29, lines 33-39.)

21) Design Philosophy of a Self-Correcting Knowledge-Based System is generally described at column 31, line 52 to column 32, line 50.

The information-rich action-oriented displays previously mentioned are a manifestation of a design philosophy in which a system knowledge base is continuously expanded with user assistance and reflected in the manner in which users interact with the system. Other manifestations of this design philosophy are found in the options described previously (Table 1 and FIG. 124 through FIG. 128) and the experiential constraints alluded to previously and described in greater detail hereinafter. Referring to FIG. 129, a knowledge base is initially created based on system analysis and design considerations, considering the range of possible outcomes at each stage of the business process, and considering further the goal of total automation, phones free and paper and pencil free. (Emphasis added.) (Column 31, lines 54-67.)

22) Sales Tax and Sales Commissions are generally described at column 32, line 51 to column 33, line 14.

Sales tax and sales commissions are automatically computed and stored in the system based on applicable tax rates and commission rates. (Emphasis added.) (Column 32, lines 52-54.)

23) Accounts Receivable is generally described at column 33, line 15 to column 34, line 20.

When an order is shipped, a customer invoice is automatically issued, i.e.,

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entered into the computer system. If paper invoices are required, then at regular intervals (each day, for example) an accounts payable clerk prints out, checks and mails customer invoices issued during the preceding interval. (Alternatively, the printing and mailing of customer invoices may also be automated.) In an exemplary embodiment, invoices are issued using the "Issue invoices" option within the customer invoice file. A customer invoice screen display is shown in FIG. 83. With the passage of time from the invoice date, invoices pass from one category to another, e.g., 30 days, 60 days, 90 days, etc. At any time, the accounts payable clerk may view invoices within different categories. Also, as is the case with other output screen displays, the user is able to manipulate information and interact with the system, e.g., to analyze an account, add a comment or note, etc., all without paper and pencil. (Emphasis added.) (Column 33, lines 16-38.)

24) Accounts Payable is generally described at column 34, line 21 to column 35 line 43.

The accounts payable module is designed to ensure that invoices are timely paid but to prevent double payment, overpayment, etc., and to systematically resolve problems with invoices so that they may be paid. (Emphasis added.) (Column 34, lines 22-25.)

25) Nightly or Periodic System Update is generally described at column 35, line 44-55.

In addition to the foregoing business rules, or experiential constraints, implemented within each of the individual modules, recall that cross-checks between various domains are performed at intervals. Such cross-checks may be performed nightly or at other periods of low system activity. When performed nightly, the cross-check routine may be referred to as a nightly update. As a result of the nightly update, a nightly update report is generated, all or selected portions of which are automatically emailed to responsible individuals for receipt the following morning. An example of a nightly update report is provided as Appendix A. (Emphasis added.) (Column 35, line 44-55.)

26) General Ledger and Real-Time Financials are generally described at column 35, line 56 to column 39, line 15.

The present software takes a different approach to financial performance activity. Instead of manual posting of accounting entries, posting is automatic, either continuous or at user-specified intervals (e.g., nightly). (Emphasis added.) (Column 36, line 61-64.)

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27) Human, Group and Organization Performance is generally described at column 39, line 16 to column 42, line 4.

Referring to FIG. 114, there is shown a human resource infrastructure for a virtual organization performance evaluation model. All company personnel are linked to a digital "HR backbone," including operational management (VP.s, managers), engineering, strategic management (president), financial and legal personnel (CPA, lawyer), and staff within various departments (customer service, shipping/receiving, technical, accounting, purchasing, etc.). (Emphasis added.) (Column 39, line 20-27.)

The Algorithm of Activity Data serves as a foundation for human performance evaluation. Referring to FIG. 117, for each individual employee to be evaluated, various metrics from the Algorithm of Activity Data are chosen and tracked for that employee, resulting in Employee Specific Task/Assignment Activity Data. Different aspects (e.g, quantity, dollar volume, completion times) of an assignment (e.g, Quotes, MWSs, Customer Invoices) may be chosen as metric for evaluation for a particular employee. (Emphasis added.) (Column 40, lines 51-59.)

**A. Transaction Entities: 1) Third-Party Trader, 2) Buyer and 3) Seller**

As demonstrated above, Wong teaches only two types of entities that conduct transactions in its software system business-to-business web-based commerce: the user who is a customer and the user who is a vendor, (column 17, lines 40-48). The customer-driven business process computer system (column 24, lines 3-15) merely provides an automated, end-to-end business process initiated by a system user by the user entering information into a client/server single relational database (column 11, lines 32-35) and wherein the automated, end-to-end business process considers the range of possible outcomes at each stage of the business process and considers further the goal of total automation without phone communication, paper records and writing, (column 31, lines 62-67).

Finally, Wong summarizes the essential aspect of his invention as providing feedback to the user/customer upon a user/customer's input, and accumulating data input from a

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number of users that is then processed by a factual analysis to output data related to customer satisfaction, and employee and vendor performance.

The effect of the overall business process is two-fold. First, a response to the customer's input is produced and communicated back to the customer. Second, during the course of the business transaction, a wealth of historical data are accumulated that may then be subjected to factual analysis for purposes of ensuring customer satisfaction, evaluating employee performance, and evaluating vendor performance. (Emphasis added.) (Cblumn 24, lines 47-54.)

Nowhere in Wong is there any teaching or suggestion of an automated business transaction where there is an entity other than a user who is customer and a vendor, and more specifically, a third-party trader.

Neither Wong, nor U.S.C. Title 35, nor any alleged combination thereof teaches or suggests, *inter alia*,:

"actuating a third-party trader's terminal unit to present data representative of a purchase offer for an intellectual property," and

"actuating the trader's terminal unit to register information relating to the intellectual property such that data relating to the intellectual property can be browsed via the communication network."

Additionally, U.S.C. Title 35 fails to teach or suggest any *third-party trader*.

**B. A Network Transacting Method for a Third-Party Trader to File an Application for Patent on Intellectual Property in a Patent Office**

Neither Wong, nor U.S.C. Title 35, nor any alleged combination thereof teaches or suggests a network transacting method of, "filing, by the trader, of an application for a patent on the intellectual property in a patent office."

Wong has no teaching or suggestion with respect to a third-party trader *filing an*

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*application for patent on the intellectual property in a patent office.*

Additionally, U.S.C. Title 35 fails to teach or suggest *a network transacting method using a data processing system...connected to a communication network for interchanging data, wherein the network transacting method includes filing an application for patent in a patent office.* U.S.C. Title 35 is merely a compilation of United States laws concerning the authority and operation of the U.S. Patent and Trademark Office, patentability of inventions and grant of patents, patents and protection of patent rights, and the Patent Cooperation Treaty. Nowhere in U.S.C. Title 35 is there any teaching or suggestion of a network transaction method of *filing, by a third-party trader, of an application for patent on the intellectual property in a patent office.*

**C. A Network Transacting Method to Submit a Record of the Transfer of Ownership of Intellectual Property from the seller to the Buyer at the Patent Office**

Neither Wong, nor U.S.C. Title 35, nor any alleged combination thereof teaches or suggests a network transacting method which includes, "submitting a record of the transfer of ownership of the intellectual property from the seller to the buyer at the patent office."

Wong has no teaching or suggestion with respect to submitting a record of the transfer of ownership of the intellectual property from the seller to the buyer at the patent office.

Additionally, nowhere in U.S.C. Title 35 is there any teaching or suggestion of a network transaction method of submitting a record of the transfer ownership of intellectual property from the seller to the buyer in a patent office.

Therefore, Applicant respectfully requests Examiner to reconsider and withdraw this

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rejection since the alleged prior art reference fails to teach or suggest each and every element and feature of Applicant's claims 2 and 3.

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### III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 2 and 3, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

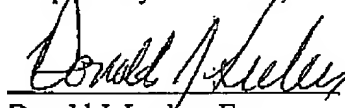
Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Date:

July 20, 2007

Respectfully Submitted,

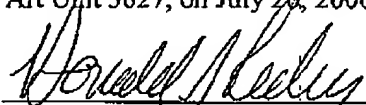


Donald J. Lecher, Esq.  
Reg. No. 41,933  
Sean M. McGinn, Esq.  
Reg. No. 34,386

McGinn Intellectual Property Law Group, PLLC  
8321 Old Courthouse Rd., Suite 200  
Vienna, Virginia 22182  
(703) 761-4100  
Customer No. 21254

### CERTIFICATE OF TRANSMISSION

I certify that I transmitted via facsimile to (571) 273-8300 the enclosed Amendment under 37 C.F.R. § 1.116 to Examiner CUFF, Art Unit 3627, on July 20, 2006.



Donald J. Lecher, Esq.  
Registration No. 41,933  
Sean M. McGinn, Esq.  
Registration No. 34,386